

collection through litigation. When appropriate, the NRC shall contract for collection services in accordance with the guidance and standards contained in 4 CFR 102.6.

[55 FR 32379, Aug. 9, 1990]

§ 15.33 Collection by administrative offset.

(a) The NRC may administratively undertake collection by offset on each claim which is liquidated or certain in amount in accordance with the guidance and standards contained in 4 CFR 102.2, 102.3, and 102.4 and 5 U.S.C. 5514, as applicable. The NRC may not initiate administrative offset to collect a debt more than 10 years after the Government's right to the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known to the NRC or collection of "approval" fees has been deferred under 10 CFR part 170. If the collection of "approval" fees has been deferred, the ten-year period begins to run at the end of the deferral period.

(b) Collection by administrative offset of amounts payable from the Civil Service Retirement and Disability Fund, the Federal Employees Retirement System or other similar funds is made pursuant to 4 CFR 102.4 and the provisions of paragraph (d) of this section.

(c) Salary offset is governed by 5 U.S.C. 5514 and the provisions of 10 CFR part 16.

(d) The following procedures apply when the NRC seeks to collect a debt by offset against any payment to be made to a debtor or against the assets of a licensee.

(1) Before the offset is made, the NRC shall provide the debtor with a written notice of the nature and amount of the debt and—

(i) Notice of the NRC's intent to collect the debt by offset;

(ii) An opportunity to inspect and copy NRC records pertaining to the debt;

(iii) An opportunity to request reconsideration of the debt by the NRC or, if provided for by statute, waiver of the debt;

(iv) An opportunity to enter into a written agreement with the NRC to

repay or pay the debt, as the case may be;

(v) An explanation of the debtor's rights under this subpart; and

(vi) An opportunity for a hearing when required under the provisions of 4 CFR 102.3(c).

(2) If the NRC learns that other agencies of the Federal government are holding funds payable to the debtor, the NRC shall provide the other agencies with written certification that the debt is owed to the NRC and that the NRC has complied with the provisions of 4 CFR 102.3. The NRC shall request that funds due the debtor which are necessary to offset the debt to the NRC be transferred to the NRC.

(3) The NRC may accept a repayment or payment agreement, as appropriate, in lieu of offset, but will do so only after balancing the Government's interest in collecting the debt against fairness to the debtor. If the debt is delinquent and the debtor has not disputed its existence or amount, the NRC may accept a repayment or payment agreement in lieu of offset only if the debtor is able to establish under sworn affidavit that offset would result in undue financial hardship or would be against equity and good conscience.

(4) Administrative offset is not authorized with respect to—

(i) Debts owed by any State or local government;

(ii) Debts once they become subject to the salary offset provisions of 5 U.S.C. 5514 and 10 CFR part 16; or

(iii) Any case in which collection of the type of debt involved by administrative offset is explicitly provided for or prohibited by another statute.

(5) The NRC reserves the right to take any other action in respect to offset as is permitted under 4 CFR 102.3.

(e) The NRC shall make appropriate use of the cooperative efforts of other agencies, including use of the Army Holdup List, in effecting collections by offset. The Army Holdup List is a list of contractors indebted to the United States.

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